REMARKS

This response is intended as a full and complete response to the final Office Action mailed December 21, 2005. In the Action, the Examiner notes that claims 1-6 are pending and rejected. By this response claims 1 and 4 are amended and new claims 7-10 are added.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the respective provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 1-2

The Examiner has rejected claims 1-2 under 35 U.S.C. §103(a) as being unpatentable over Yao et al. (U.S. 6,021,464, hereinafter "Yao") and further in view of Demoney (U.S. 6,721,789, hereinafter "Demoney"). The rejection is respectfully traversed.

Independent claim 1 recites (and independent claims 4, 7, and 9 recite similar relevant elements):

> 1. A method, comprising:
> receiving a new user access request;
> assigning the new user access request to a disk d of said disk array; and
> determining when the new user access request will be processed by examining extent size for requested data stored on disk d, wherein if the new user access request will be processed within a predefined period of time, placing the new user access request into a new user queue for disk d; otherwise, assigning the new user access request to another disk of said disk array;

wherein priority is given to subscribers that are currently viewing a program over the new user access request;

wherein requests in the new user queue are ordered by time deadline.

The combination of Yao and Demoney fails to teach or suggest priority being given to subscribers that are currently viewing a program over the new user access request and that requests in the new user queue are ordered by time deadline. By contrast, Yao teaches the following criteria for priority order: (a) priority to disk devices designated in the request, (b) priority to disk devices with low load, and (c) priority to disk devices with a large amount of free space. (See Yao, col. 4, lines 47-57.) Yao also teaches a random selection method without any priority. (See Yao, col. 4, lines 58-62.) However, Yao fails to teach or suggest the claimed priority scheme. Demoney teaches different scheduling for rate guaranteed and non-rate guaranteed requests, but fails to teach the claimed priority scheme. (See Demoney, abstract.)

As such, Applicants submit that independent claims 1, 4, 7, and 9 are non-obvious and patentable over Yao and further in view of Demoney under 35 U.S.C. §103. Furthermore, claims 2, 3, 5, 6, 8, and 10 depend from independent claims 1, 4, 7, and 9 and further define or recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also non-obvious and patentable over Yao and further in view of Demoney under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 3

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Yao, Demoney as applied to claim 1, and further in view of Vaitzblit et al. (U.S. 5,528,513, hereinafter "Vaitzblit"). The rejection is respectfully traversed.

Claim 3 depends from claim 1 and recites additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants

submit that dependent claim 3 is also non-obvious and patentable over Yao in view of Demoney. Vaitzblit fails to bridge the substantial gap between Yao and Demoney and Applicants' claimed invention. Vaitzblit discloses a scheduling routine where isochronous tasks have the highest priority and are scheduled first followed by real-time and general-purpose tasks, but, like Yao and Demoney, fails to disclose the claimed priority scheme. (See Vaitzblit, abstract.)

As such, Applicants submit that dependent claim 3 is also non-obvious and patentable over Yao, Demoney as applied to claim 1, and further in view of Vaitzblit under 35 U.S.C. §103. Therefore, Applicants respectfully request that the rejection be withdrawn.

Claim 4

The Examiner has rejected claim 4 based on the same rationale as in claim 1. The rejection is respectfully traversed.

Claim 4 contains substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, claim 4 is also patentable for at least the reasons discussed above with respect to claim 1. As such, Applicants respectfully request that the rejection be withdrawn.

Claim 5

The Examiner has rejected claim 5 based on the same rationale as in claim 2. The rejection is respectfully traversed.

Claim 5 is also patentable for at least the reasons discussed above with respect to claim 2. As such, Applicants respectfully request that the rejection be withdrawn.

Claim 6

The Examiner has rejected claim 6 based on the same rationale as claim 3. The rejection is respectfully traversed.

Claim 6 is also patentable for at least the reasons discussed above with respect to claim 3. As such, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Applicants submit that claims 1-6 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea A. Nicholson at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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